

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

Carol Pisani

v.

Civil No. 14-cv-056-LM-AKJ

Judge John J. McConnell, Jr.,
and National Highway Traffic
Safety Administration

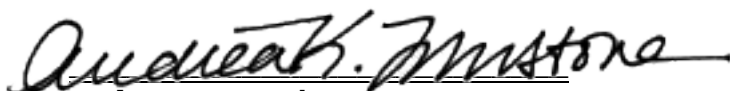
REPORT AND RECOMMENDATION

Before the Court is plaintiff Carol Pisani's Motion for Entry of Default (doc. no. 19). The undersigned Magistrate Judge has been designated to review the matter. See Orders (doc. nos. 7-9, 21).

Pisani filed the Complaint in the instant action in January 2014. After granting Pisani's motion for leave to proceed in forma pauperis in this case, the Court authorized service of the Complaint. Although the defendants were initially ordered to answer the Complaint by May 23, 2014, the Court, on May 5, 2014, vacated that Order, and stated that if the Court subsequently authorized any claims in the Complaint to proceed, the defendants would at that time be required to answer the Complaint within thirty days. To date, no judicial officer has determined whether any claim in this action may proceed.

Plaintiff now asserts that a default should enter, pursuant to Fed. R. Civ. P. 55(a), because defendants failed to file an answer by May 23, 2014. As explained herein, however, the defendants' answers are not yet due. Accordingly, the Motion for Entry of Default (doc. no. 19) should be DENIED.

Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the District Court's Order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011), cert. denied, 132 S. Ct. 1045 (2012); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (only issues fairly raised by objections to magistrate judge's report are subject to review by district court; issues not preserved by such objection are precluded on appeal).



Andrea K. Johnstone
United States Magistrate Judge
Sitting by Designation

July 16, 2014

cc: Carol Pisani
Robert J. Rabuck, Esq.